



Agriculture Act 1970

1970 CHAPTER 40

PART VII

MISCELLANEOUS PROVISIONS

106 Eradication of brucellosis.

- (1) The appropriate Minister may, in accordance with a scheme made by the appropriate authority with the consent of the Treasury, pay to the owner of any herd of cattle kept in the United Kingdom, or to any person concerned with the management of such a herd, such sums as that Minister thinks fit to expend in connection with the eradication of brucellosis, and may in particular, if the scheme so provides, pay any such sum by way of supplement to, and subject to any terms or conditions governing the payment of, any grant or subsidy payable under or by virtue of any enactment other than this section.
- (2) A board constituted by any scheme relating to the marketing of milk and made under the ^{M1}Agricultural Marketing Act 1958 or any enactment of the Parliament of Northern Ireland shall, in accordance with any scheme in that behalf made by the appropriate authority with the consent of the Treasury, make to producers registered under the scheme constituting the board payments in connection with the eradication of brucellosis, being payments in respect of milk sold, or deemed for the purpose of any payments under the scheme constituting the board to have been produced, on or after 1st April 1970; and the sums from time to time required by such a board for the making of payments under this subsection shall be paid to the board by the appropriate Minister.
- (3) ^{F1}
- (4) Any person who offers for sale, otherwise than for slaughter, any animal known to him to be a reactor to brucella abortus shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F2}level 5 on the standard scale], or, if the offence is committed with respect to more than ten animals, to a fine not exceeding [^{F3}level 3 on the standard scale] for each animal.

*Changes to legislation: There are currently no known outstanding effects
 for the Agriculture Act 1970, Section 106. (See end of Document for details)*

(5) F4

^{F5}(6)

(7) Any person who knowingly or recklessly makes any false statement for the purpose of obtaining for himself or any other person any payment under a scheme under subsection (1) or (2) of this section shall be liable on summary conviction to a fine not exceeding [^{F6}level 3 on the standard scale] or imprisonment for a term not exceeding three months or both.

(8) Any of the following officers—

- (a) in England and Wales, any officer of the Minister of Agriculture, Fisheries and Food authorised in writing by that Minister to exercise the powers conferred by this subsection;
- (b) in Scotland, any officer of the Secretary of State or of the said Minister having the like authority of that Secretary of State, and
- (c) in Northern Ireland, any officer within paragraph (a) above, and any officer of [^{F7}the Department of Agriculture for Northern Ireland] having the like authority of [^{F7}that Department];

may, for the purpose of obtaining any information which he may consider necessary in connection with a scheme under subsection (1) or (2) of this section, enter upon any land or premises and there inspect any animal, apply any test or take any sample, and examine and take copies of or extracts from any document.

The right of entry under this subsection may be exercised at any reasonable time, but only after production of the officer's authority if so required; and any person who obstructs or impedes an officer acting in the exercise of his powers under this subsection shall be liable on summary conviction to a fine not exceeding [^{F8}£20][^{F8}level 3 on the standard scale] in the case of a first offence, and, in the case of a second or subsequent offence, to a fine not exceeding [^{F8}£50][^{F8}level 3 on the standard scale] or imprisonment for a term not exceeding one month or both.

(9) In subsections (1) and (2) of this section—

“the appropriate Minister” means the Minister of Agriculture, Fisheries and Food or, in relation to herds kept in Scotland or sums required for making payments to producers in Scotland, the Secretary of State; and

“the appropriate authority” means the Minister of Agriculture Fisheries and Food or, for the purposes of a scheme relating to herds or producers in Wales (including Monmouthshire), that Minister and the Secretary of State acting jointly or, for the purposes of a scheme relating to herds or producers in Scotland, the Secretary of State.

(10) A scheme under subsection (1) or (2) of this section—

- (a) may relate to herds or producers in one part only of the United Kingdom or (the appropriate authorities acting jointly for the purpose, if different) in two or more such parts;
- (b) may be varied or revoked by a subsequent scheme under that subsection;
- (c) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1970, Section 106. (See end of Document for details)

Textual Amendments

- F1** S. 106(3) repealed by [Animal Health Act 1981 \(c. 22, SIF 4:4\)](#), s. 10, **Sch. 6**
- F2** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**, (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G** and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**
- F3** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**, (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G** and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**
- F4** S. 106(5) repealed by [European Communities Act 1972 \(c. 68\)](#), **Sch. 3 Pt. IV**
- F5** S. 106(6) repealed (1.4.2008) by [The Agriculture and Horticulture Development Board Order 2008 \(S.I. 2008/576\)](#), art. 1(3), **Sch. 5 para. 7** (with [Sch. 4 para. 10](#))
- F6** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**, (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G** and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**
- F7** Words substituted by virtue of [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 5 para. 8(1)**
- F8** “level 3 on the standard scale” substituted (S.) for “£20” and “£50” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289E–289G**

Modifications etc. (not altering text)

- C1** Certain functions of Minister of Agriculture, Fisheries and Food under s. 106 now exercisable (W.) by Secretary of State or Minister and Secretary of State jointly: [S.I. 1978/272](#), art. 2, **Sch. 1**
- C2** The text of ss. 30(5), 31(1)(2), 32(4)(a), 33(1), 34(3), 87(3)(4) and 106(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
- C3** S. 106(8): [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.) and [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5** (substitution of references to levels on the standard scale), 6 (increase of fines), 9 (in relation to liability on first and subsequent convictions) apply (N.I.)
- C4** S. 106(8): [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#) s. 289E (in relation to liability on first and subsequent convictions), applies (S.)

Marginal Citations

- M1** [1958 c. 47](#).

Changes to legislation:

There are currently no known outstanding effects for the Agriculture Act 1970, Section 106.